

REMARKS

The present Amendment is in response to the Office Action having a mailing date of January 26, 2004. Claims 7-22 are pending in the present Application. Applicant has amended claims 7-9 and 13-15. Consequently, claims 7-22 remain pending in the present Application.

Applicant has amended claims 7 and 15 to recite that the image is rotated, if required, so that the image appears upright on the image capture device. Support for the amendment can be found in the specification, page 23, lines 3-6. Applicant has amended claims 7-9 and 13-14 to harmonize these claims with independent claim 7. Accordingly, Applicant respectfully submits that no new matter is added.

In the above-identified Office Action, the Examiner rejected claims 7-22 were rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 1-10 of U.S. Patent No. 5,973,734 (Anderson). The Examiner also rejected claims 7-22 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,441,854 (Fellegara).

In the above-identified Office Action, the Examiner rejected claims 7-22 were rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 1-10 of Anderson. In so doing, the Examiner analogized claims 1-14 of Anderson to claims 7-22 of the present application.

Applicant respectfully traverses the Examiner's rejection. Claim 7 recites a method for correcting an aspect ratio of an image captured by an image capture device. The method recited in claim 7 includes the step of rotating the image, if required, so that the image appears upright on the image capture device. Claim 7 also recites the steps of determining if the aspect ratio of the image matches a predetermined aspect ratio, decompressing the image if required, and cropping the image if the aspect ratio does not match the predetermined aspect ratio, thereby providing a cropped image. Claim 7 further recites providing the cropped image to a display. Claim 15 recites and

analogous system. Thus, an upright image of the appropriate size can be provided to the digital imaging device. Consequently, performance of the digital imaging device is improved.

Anderson recites a system which crops a screenail image. Although Anderson works well for its intended purpose, Applicant can find no mention in the cited claims of Anderson of rotating the image so that the image appears upright. Consequently, Applicant respectfully submits that the Examiner's double patenting rejection under Anderson is moot.

The Examiner also rejected claims 7-22 under 35 U.S.C. § 102 as being anticipated by Fellegara.

Applicant respectfully traverses the Examiner's rejection. As discussed above, claim 7 recites rotating the image, if required, so that the image appears upright on the image capture device. Claim 15 recites an analogous system.

Fellegara fails to teach or suggest the method and system recited in claims 7 and 15, respectively. Applicant agrees that Fellegara describes cropping the images for certain modes of operation of the hybrid camera of Fellegara. However, the cited portions of Fellegara are devoid of mention of rotating the image so that the image appears upright on the image capture device. Consequently, the cited portions of Fellegara fail to teach or suggest the method and system recited in claims 7 and 15, respectively. Accordingly, Applicant respectfully submits that claims 7 and 15 are allowable over the cited references.

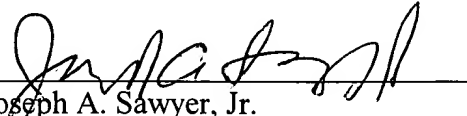
Claims 8-14 and 16-22 depend upon claims 7 and 15, respectively. Consequently, the arguments herein apply with full force to claims 8-14 and 16-22. Accordingly, Applicant respectfully submits that claims 8-14 and 16-22 are allowable over the cited references.

Applicant's attorney believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,

SAWYER LAW GROUP LLP

April 26, 2004



Joseph A. Sawyer, Jr.
Attorney for Applicant(s)
Reg. No. 30,801
(650) 493-4540